



Town of Loxahatchee Groves

Regular Town Council Meeting

Tuesday, February 16, 2016 at 7:00 p.m.

MINUTES

1. OPENING

- a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:00 p.m. Present were Mayor David Browning, Vice Mayor Ronald Jarriel and Council Members Tom Goltzené, Jim Rockett and Ryan Liang. Also present was Town Manager Bill Underwood, Town Attorney Michael D. Cirullo, Jr., and Town Clerk Virginia Walton.

- b. Pledge of Allegiance & Invocation – Mayor Browning
- c. Approval of Agenda

Manager Underwood requested that item #9a be deleted from the agenda since he believes this issue has been worked through.

Mayor Browning wanted to add as item #11b a proposed letter that he had received from Palm Beach State College.

Motion: a motion to approve the agenda as revised, including Addendum #1, was made by Council Member Liang and seconded by Vice Mayor Jarriel. Motion passed 5 – 0.

2. PUBLIC COMMENTS

Keith Harris commented on what occurred at the Water Control District Meeting. The Board chose to discuss Town affairs instead of Water District issues, voted to deny Town request for transfer of road and Mr. Ryan had called him a liar in reference to the FDLE investigating the Water Control District. He thought Ms. Danowski's idea of a 6 month trail was a good one, but her comments were ignored.

Vice Mayor Jarriel stated he wanted to apologize to Mr. Harris for his comments at the last Council Meeting.

Bill Louda commented on Governor Scott not allowing municipalities to control fracking in their towns. Also, asked again that the RETAG Committee start meetings and add environmental issues to the agenda.

Charlene McManus, 42nd Street North, entered a letter into the record stating 160th Street was still non-passible, while 161st Street had already been done and was being done every week.

This was unfair and wanted to know who was paying for all the extra grading for just this one street.

Ken Johnson stated his name was being used as an endorsement on a current candidate's website. He has repeatedly asked that his name be taken off, but his request has been ignored.

Marge Herzog reminded everyone about Candidate Forum, which was February 25th, and Robin McLeod wanted everyone to know the Airboat Show was now at South Florida Fairgrounds on February 27th and 28th.

Ruth Menor stated she appreciated the efforts to make the roads better and there was a big difference compared to the Water District philosophy of ignoring what needs to be done.

Karl Jensen and Todd McLendon both commented that Vice Mayor Jarriel owed not only Mr. Harris an apology but also the whole Council and the residents as well.

Roberta Schriefer, Paradise Trail, stated the new 30mph speed sign installed was too fast for their road and requested a lower speed sign and possibly one that said children at play. Also Ms. Schriefer stated she had 15 comment cards from her neighbors on Paradise Trail, and 22nd Road off "C" Road, asking for the flooding issues and road conditions to be addressed.

Motion: a motion to receive and file the comment cards was made by Vice Mayor Jarriel and seconded by Council Member Liang. Motion passed 5 – 0.

Cletus Keaton, "D" Road, stated the swale was less than 100 feet from his drain and the process being used was not controlling the drainage. Also, he objected to item #9a being taken off the agenda.

Connie Bell, 22nd Road N; Robert Holt, 24th Court N; and Jo Siciliano, "B" Road, all spoke about the condition of their roads and wanted them corrected.

Phillis Maniglia, "D" Road, stated 27 years ago the Town had been promised a trail system, which was never delivered. A lot of money was spent on surveys, engineering, etc. and nothing to show for it. When she had gone in front of the Council, she and her neighbors were then hit with bogus code violations, with high code fines. Vice Mayor Jarriel and Council Member Rockett had responded to her calls for assistance; but Mayor Browning and Council Member Goltzené had stated they did not feel they should interfere in a code issue. Council Member Liang had not responded at all. Also, Ms. Maniglia stated that those people who had been involved in the 2015 tainted election involving absentee ballots should know that those absentee ballots would still be coming to them for the next three election cycles.

a. Council Comments

Vice Mayor Jarriel stated he remembered when Ms. Maniglia had the code problems and he and Council Member Rockett had supported her.

Council Member Rockett stated in response to comments from Mr. McLendon, he does not wait for an election to move on issues.

Mayor Browning stated he understood and supported horse trails, but this was a tough issue. The trails were owned by the Water Control District as easements and the Town had not gotten the cooperation they wanted. Mayor Browning added that the Town was still trying and he believed the future of Loxahatchee Groves was with the equestrian community.

Council Member Goltzené stated the reality is that they would never accomplish what the people want until the roads are paved. There has been five years of wasted money on pushing dirt around (grading) and seeing blacktop collapsing.

Vice Mayor Jarriel stated that with “B” Road and San Diego, he had tried to get the Water District to come in, but they would not do it. Bergeron has now come in and doing a one-time sweep of all roads. In previous years, the Water District had responded within 24 hours and he felt we needed to bring them back. The Town knew about the drainage issues and was trying to get the issues resolved.

3. CONSENT AGENDA

(Public Comment will be permitted on consent agenda items prior to Council vote)

a. Minutes: February 2, 2016 Town Council Meeting (revised in Addendum #1)

b. Hurricane Debris Collection Agreement Renewal – Bergeron

Motion: a motion to approve the consent agenda, as revised in Addendum #1, was made by Council Member Liang and seconded by Vice Mayor Jarriel. Motion passed 5 – 0.

4. PRESENTATIONS

a. Road Grading Status Report – Bergeron Land Development Inc.

Bergeron Representative presented a powerpoint presentation, with videos, showing the before and after photos of several streets, such as San Diego Drive, Casey Road, Timberlane Place and E. Citrus. The photos showed the condition of the road and drainage issues. Presentation also showed the length of the roads and the loads of fill material for each road. Rachley Road had received some bad material, and they were resolving that issue now. They had accomplished 14.25 miles so far; however, more time was spent on repair than on maintenance. Manager Underwood commented that regardless of the amount of grading, there were still ongoing drainage issues on the roads and Council would need to address this in the near future.

Vice Mayor Jarriel wanted to know if a second sweep of all the roads was possible and also should the Town consider different materials than outlined in the agreement. Council Member Rockett wanted to know in case of an emergency, such as a hurricane, would Bergeron be of assistance since they were now staged here in Town.

Jo Siciliano, Ken Johnson, Bill Louda, Mike Laudadio, Connie Bell and Laura Donowski all commented on the condition of their roads. Connie Bell asked if the Town could improve communication with residents with some type of emergency notification system. Laura Donowski asked if Bergeron could do tonight’s powerpoint presentation with the Water Control District. Manager Underwood stated there was a subscription “Code Red” system for emergency

notifications. There was a cost involved, the Town and residents would need to subscribe and the residents would need to supply a phone number or email address.

Motion: a motion to direct the Town Manager to bring back information and costs for this system was made by Vice Mayor Jarriel and seconded by Council Member Rockett. Motion passed 5 – 0.

5. COMMITTEE REPORTS – none scheduled

6. RESOLUTIONS

a. RESOLUTION NO. 2016-09

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, TERMINATING FOR CONVENIENCE THE TOWN'S AGREEMENT FOR THE GRAVEL ROAD GRADING AND OTHER ROAD SERVICES FOR TOWN ROADS WITH PROFESSIONAL SERVICES GROUP, LLC; APPROVING A TERMINATION AND MUTUAL RELEASE AGREEMENT BETWEEN THE TOWN AND PROFESSIONAL SERVICES GROUP, LLC; DIRECTING THE TOWN MANAGER TO PROVIDE A COPY OF THIS RESOLUTION AND NOTICE TO PROFESSIONAL SERVICES GROUP, LLC; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Manager Underwood advised the Council that as of today he had negotiated a further reduction on the invoices of \$6,000.00. Council had some questions about items on the invoices supplied for review. After discussion, consensus was to delay approval of the resolution and final payment to PSG.

Motion: a motion to delay this item for two weeks, to allow the Manager to continue negotiations, was made by Council Member Goltzené and seconded by Vice Mayor Jarriel. Motion passed 5 – 0.

7. ORDINANCES

a. ORDINANCE NO. 2016-01 (Second Reading - Council Compensation)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ORDINANCE 2013-01 TO INCREASE THE COMPENSATION FOR COUNCILMEMBERS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Town Attorney Cirullo read the ordinance by title. Mayor Browning asked for Council comments and the public comments. Bill Louda asked what the new compensation would be. Town Attorney Cirullo responded that the new compensation would be \$750.00 per month.

Motion: a motion to adopt the ordinance on second and final reading was made by Vice Mayor Jarriel and seconded by Council Member Liang. A roll call vote was in favor of adoption 5 – 0.

Mayor Browning called a break in the meeting at 8:45 pm. Meeting reconvened at 8:54 PM

8. MANAGER'S REPORT – Town Manager Underwood

- a. Agenda Item Report – Updates on various activities and issues concerning the Town

Manager Underwood brought the Council up to date on several pending projects, including:

- 1) 6th Ave North from D Road to C Road had only minor punch items to be completed
- 2) Permit to all non-motorized trails – Town was waiting for better detail information to Exhibit “A” of the trail permit from Water Control District
- 3) Bids for replacement of C Road North culvert were opened on 2/11/2016. Manager was contacting property owners regarding cost of correction
- 4) Report on road side bank erosion was completed and attached, and was also submitted to Water Control District for their correction. Manager Underwood showed some photos of bank erosions. Water Control District was stating no issue existed and no action was required. There was a comment that E Road canal was in a similar condition
- 5) Water Control District had denied Town's request to turn over all roads to Town.
- 6) Roads south of Okeechobee have been graded and rocked as needed. 161st was done Saturday and B Road was graded again due to heavy truck traffic
- 7) Only one proposal was received on time for Debris Monitoring and FEMA Reporting Services. Award bid will be coming to next meeting.
- 8) Regarding code enforcement services, one meeting had been completed and another was scheduled for this Thursday
- 9) Staff has found another property on F Road, in addition to C Road, and has contacted the County Health Department regarding the excess living structures
- 10) Bids were opened today for the B Road Improvements. Hopeful to have fully vetted and brought the first meeting in April

Council had discussion on the banks erosion problems and also wanted to make sure the OGEMed roads had been evaluated for drainage as well as the other road.

Bill Louda commented that the canal banks were being undercut and that was why they were being pulled down too fast. Refilling would just cause closing up of the canal.

9. OLD BUSINESS

- a. 8th Place North/D Road – Repair Costs (this item was deleted from the agenda)

10. NEW BUSINESS

- a. Discussion and Direction on extra grading for B Road prior to commencement of construction project, as an addition to Bergeron contract.

Vice Mayor Jarriel stated that the developers were stockpiling on B Road and the Town should contact them to see if some of that can be used on B Road. Since the developers were beating up the road, they should pay for Bergeron to repair it. Town Attorney Cirullo stated that first the work needed to be authorized; then a separate motion could be made to contact the developers to negotiate reimbursement for the road repairs. There was already a contract in place with these developers and this was not a part of that contract.

Motion: a motion to approve the additional grading of B Road, on an hourly rate proposal from Bergeron, and to have a schedule brought back for additional grading on other roads, was made by Vice Mayor Jarriel and seconded by Council Member Liang. Motion passed 5 – 0.

The additional request to have the Manager contact the developers about reimbursement to the Town of repairs to B Road, as well as requesting that material being stockpiled on B Road be used for the B Road repairs, was then discussed. Council Member Goltzené had a conflict and recused himself from discussion and vote on this item.

Motion: a motion to have the Manager contact the developers about reimbursement to the Town of repairs to B Road, as well as requesting that material being stockpiled on B Road be used for the B Road repairs was made by Vice Mayor Jarriel and seconded by Council Member Liang. Motion passed 4 – 0, with Council Member Goltzené recusing himself.

11. COUNCIL REPORTS

a. Vice Mayor Ron Jarriel

1. Discussion and direction for GelTech Solutions Dust Control Pilot Program (continued from 1/19/16 and 2/2/16 agendas)

Vice Mayor Jarriel stated the weather was too wet to think of this project right now; but hoped that when the time was right, Manager Underwood would contact GelTech to look into a pilot program of one District Road and one Town Road, with the District supplying the equipment and the Town funding the pilot program.

Bill Louda stated he had reviewed the proposal given to him by Vice Mayor Jarriel and it appeared to be okay except for the cost, but he suggested the SDS sheets be requested, and the water should be monitored for run-off. Phyllis Maniglia wanted to know if the product would damage horse's hooves. Vice Mayor Jarriel responded the product was used at several horse arenas.

2. Discussion and direction on adult entertainment businesses

Council was in consensus that this was not something that was a desired business in Loxahatchee Groves; however, Town Attorney Cirullo advised the Council that this type of business could be regulated, but could not be prohibited since it was a First Amendment Rights issue. Attorney Cirullo added there were several studies done by other municipalities regarding this issue and the types of regulations that could be enacted.

Comments were made by Bill Louda, Jo Siciliano, Ken Johnson and Todd McLendon. Mr. McLendon stated this type of business and several other discrepancies were in the ULDC now and needed to be looked at. He had asked Town Planner Jim Fleishmann for this type of information, but had to pay \$2,200 for the information.

3. Discussion and direction on support of County Infrastructure Surtax

The one cent surtax, which was supposed to have the sole purpose of use for infrastructure; however, the County Commission had put this on hold for now since Fire-Rescue and the

Cultural Council had attempted to obtain a portion. The cities would have gotten 40% of those revenues back into the Town.

Nina Corning commented she found this very conflicting. Between Avenir, Minto and GL Homes, they were estimating approximately 185,000 more trips on our roads; however, Minto had been given an exemption for being an Ag Enclave and GL Homes was asking for a 3.5D exemption. The fair share policy by the State was only for a percentage of the “additional” roads added, not the whole road. If a two lane road was widened to three lanes, they would only be responsible to give the cities 20% of the one additional lane. The residents/Town would have to pick up the difference.

ADD:

b. Mayor Dave Browning

1. Letter to State Legislatures for Support of Palm Beach State College

Mayor Browning stated he had received this letter from Palm Beach State College with their request that it be sent by the Town of Loxahatchee Groves to the Legislatures listed on the letter, supporting grant funding in the amount of \$9 million for the College construction project. Council consensus was in favor of sending the letter.

12. CLOSING COMMENTS

a. Public

Laura Danowski wanted to share some information on the trail system. The maps are filed and recorded, and the trail work is moving forward. Regarding 6th Court north, the next step was for the Town to file with the District the Perpetual Use Permit.

Phyllis Maniglia stated the Town needed to stop selective code enforcement and go after the seasonal travelers with violations. Also, regarding the selling of alcohol, the Town should look at lessening the hours for sales. Regarding A&G, this place was out of control. There were robberies in the surrounding areas and a no loitering law was needed.

Dennis Lipp wanted to let everyone know that the P&Z Board was meeting this Thursday and the one item on the agenda was the plaza, which was the location of the old Town Hall. The plan called for the removal of the old oak tree in order to build a 12,000 s.f. building.

Connie Bell stated she worked for Royal Palm Beach and knew there were resources already available for regulating adult entertainment businesses. Look to your neighbors.

Cletus Keaton requested that his clear cut complaint be addressed.

Bill Louda commented on Ms. Danowski’s announcement about the trail system maps being filed and recorded, with work moving forward. He believed this project was part of RETAG. Mr. Louda suggested the Town request a name change for the Palms West Plaza, since it was part of Loxahatchee Groves. Regarding the drainage fee, it should be for all roads, not just the alphabet ones.

Ken Johnson had two items. Regarding the Water Control District easements, he knew of a nursery that was using the easement to grow crops. He had meetings with the District, but the nursery was still using the easements for their business. He saw an employee from the Water Control District spraying the vegetation on D Road, west on Collecting Canal Road until C Road. Then he only sprayed on the north side of the canal to the bridge. Then he resumed spraying both sides again.

Diane Babington stated she and her husband were new property owners in Loxahatchee Groves, and had moved here because they did not like the Wellington type lifestyle. They had been very disappointed in the reception they have received. They are seasonal residents since her husband is a Grand Pre Rider from Ireland. They put up a barn on their property on Casey Road and were trying to clear out the underbrush and pepper plants that had taken over the land. They found that a neighbor, instead of talking to them, had filed a complaint with the DEP accusing them of destroying native trees. This same neighbor then tried to get she and her husband to come to the Council meeting about the roads. After meeting with the DEP, no violations were found. This was not the treatment they had anticipated when moving here. If someone has a problem, come talk to them.

Mark Jackson felt that all meetings with Town Staff should fall under the public meeting laws and should have audio and video recordings for everything.

John Ryan clarified that the District had built 30 miles of canals that feed into the C canal. They do not have an individual mandate from property owners and their swales to get their water into the canals. If from the West, there is a ditch and culvert into the canal. If from the East, there is a ditch and culvert under the road.

b. Town Attorney – no comments

c. Town Council Members

Council Member Rockett asked if the Council can change what was voted on at the last meeting. He was not present, but after reading the minutes, he did not believe the information presented to them was accurate. Town Attorney Cirullo responded that it would require a motion from the person who previously voted on the item; and then it would come back to the next meeting for reconsideration. Council Member Rockett stated he was referring to the PSG invoices given to Council for review. Manager Underwood stated that when copying the invoices, it appears some two sided copies only copied the first side. If Council Member Rockett would like to come into Town Hall tomorrow, they could go over all the invoices.

Council Member Liang thanked everyone for coming and commented that his birthday was in two days.

Vice Mayor Jarriel thanked everyone for coming and hoped they were safe going home.

Council Member Goltzené commented that just because he had not been vocal tonight on the Water Control District does not mean he doesn't have views, but would save them for a couple of weeks down the road. The OGEMed roads were a major problem. It was not bashing to expect the District to stand up for the roads they were so proud of and do it right. What the Town had been given was not a good job. They were District Roads, and then Town Roads, until

it comes to gas tax money. The District doesn't want to pave B Road. At the last District Meeting he was called a liar and he categorically denied ever lying.

12. ADJOURNMENT

Hearing no further business, a motion to adjourn the meeting was made at 10:12 PM.


Virginia M Walton David Browning
Virginia Walton, Town Clerk David Browning, Mayor

These minutes were approved by the Town Council on Tuesday, MARCH 1, 2016.